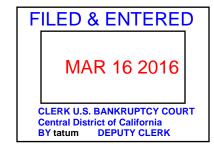
11 || In re:

ARMEN SANAMYAN.

Debtors.



## UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION

Case No. 2:13-bk-39318-RK

Chapter 7

ORDER ON EMERGENCY UNILATERAL MOTION OF JUDGMENT DEBTORS HARRY GOVGASSIAN AND ALISA AGADJANIAN TO CONTINUE HEARING ON MOTION TO APPROVE COMPROMISE UNDER RULE 9019, OR IN THE ALTERNATIVE, TO ENFORCE THE SETTLEMENT AGREEMENT, CONTINUING HEARING ON MARCH 22, 2016 AND SETTING FURTHER HEARINGS

ON APRIL 12, 2016

The court, having reviewed and considered Emergency Unilateral Motion of Judgment Debtors Harry Govgassian and Alisa Agadjanian to Continue Hearing on Motion to Approve Compromise Under Rule 9019 of the Federal Rules of Bankruptcy Procedure, or in the Alternative, to Enforce the Settlement Agreement ("Emergency Motion"), ECF 42, filed on March 15, 2016, the Request for Judicial Notice in support thereof, ECF 43, the Application for Order Setting Hearing on Shortened Notice, ECF 44, as well as the Motion of the Chapter 7 Trustee ("Trustee") to Approve Settlement Agreement Between Chapter 7 Trustee and Harry Govgassian and Alisa Agadjanian in State Court Action BC 387615

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("Rule 9019 Motion"), ECF 30, which is currently set for hearing on March 22, 2016 at 2:30 p.m., the opposition ("Opposition") thereto filed by Judgment Creditors Armen Sanamyan, the debtor in this bankruptcy case, and Rose Safarian ("Judgment Creditors") and special litigation counsel to Trustee and counsel to Judgment Creditors in the State Court Action, Armen Tashjian, ECF 32, and Trustee's Notice of Voluntary Dismissal of his Rule 9019 Motion, ECF 41,and good cause appearing thereof,

## IT IS HEREBY ORDERED as follows:

- 1. Since Trustee's Rule 9019 Motion is a contested matter pursuant to Federal Rule of Bankruptcy Procedure 9014, Federal Rule of Bankruptcy Procedure 7041 applies. See Federal Rule of Bankruptcy Procedure 9014(c). Under Federal Rule of Bankruptcy Procedure 7041, which incorporates by reference Federal Rule of Civil Procedure 41, because an opposition was filed to Trustee's Rule 9019 Motion and the parties who have responded on the Rule 9019 Motion have not stipulated to a dismissal of the Motion, Trustee may not unilaterally dismiss his Rule 9019 Motion. In such instance where an opposition was filed to the pleading, here, the Rule 9014 Motion, Federal Rule of Civil Procedure 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." See also, Federal Rule of Bankruptcy Procedure 7041. The court treats the Rule 9014 contested matter as an "action" for purposes of Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(2). See, Federal Rule of Bankruptcy Procedure 9014(c).
- 2. Although the court declines to set a hearing on the Emergency Motion on shortened notice, the court grants the request in the Emergency Motion to continue the hearing on Trustee's Rule 9019 Motion from March 22, 2016 at 2:30 p.m. to April 12, 2016 at 3:00 p.m. At that date and time, the court also sets hearings on Trustee's request for voluntary dismissal of the Rule 9019 Motion in light of the opposition to that Motion on the merits and the

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